LIBRARY
SUPREME COURT, U.S.

In the Supreme Court of the United States

OCTOBER TERM, 1954

STATE OF ARIZONA, COMPLAINANT,

v.

STATE OF CALIFORNIA, PALO VERDE IRRIGATION DISTRICT, IMPERIAL IRRIGATION DISTRICT, COACHELLA VALLEY COUNTY WATER DISTRICT, METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA, CITY OF LOS ANGELES, CALIFORNIA, CITY OF SAN DIEGO, CALIFORNIA, AND COUNTY OF SAN DIEGO, CALIFORNIA, DEFENDANTS,

UNITED STATES OF AMERICA, INTERVENOR,

STATE OF NEVADA, INTERVENOR.

REPLY OF THE STATE OF NEVADA TO ANSWER OF THE STATE OF ARIZONA TO PETITION OF INTERVENTION OF THE STATE OF NEVADA

WILLIAM J. MAHER,

Attorney General of Nevada,

ALAN BIBLE,

Deputy Attorney General of Nevada,

WILLIAM E. KANE,

GEO. P. ANNANDA,

Special Assistants to the Attorney General of Nevada,

WILLIAM N. BOWEN,

Special Counsel to the Attorney General of Nevada,

ROBERT W. KENNEDY,

Special Counsel to the Attorney General of Nevada,

INDEX

Answer to First Affirmative Defense
Answer to Second Affirmative Defense
Traverse

No. 10, Original

In the Supreme Court of the United States

October Term, 1954

STATE OF ARIZONA, Complainant,

v.

STATE OF CALIFORNIA, PALO VERDE IRRIGATION DISTRICT, IMPERIAL IRRIGATION DISTRICT, COACHELLA VALLEY COUNTY WATER DISTRICT, METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA, CITY OF LOS ANGELES, CALIFORNIA, CITY OF SAN DIEGO, CALIFORNIA, AND COUNTY OF SAN DIEGO, CALIFORNIA, Defendants,

UNITED STATES OF AMERICA, Intervener,

STATE OF NEVADA, Intervener.

REPLY OF THE STATE OF NEVADA TO ANSWER OF THE STATE OF ARIZONA TO PETITION OF INTERVENTION OF THE STATE OF NEVADA

Comes now the State of Nevada and for its Reply to the Answer of the State of Arizona, admits, denies and alleges as follows:

Answer to First Affirmative Defense.

I

Answering the First Affirmative Defense of the Complainant as set forth on Page 1 of its Answer, the State of Nevada admits that pursuant to its Contract with the United States, dated January 3, 1944, it is entitled to the delivery of water not to exceed 300,000 acre-feet of water from the Colorado River Stream System. However, in connection with said admission, Nevada alleges there is no

provision in said contract nor any statute pertaining thereto that prohibits Nevada from making claim for additional quantities of the waters of the Colorado River Stream System.

II

Answering Paragraphs Nos. 1, 2, 3, 4 and 5 of Complainant's First Affirmative Defense, the State of Nevada alleges that on or about the 15th day of February, 1954, the Complainant filed in this Cause and interposed the Response of Complainant to Motion of State of Nevada for Leave to Intervene, and was directed against Nevada's Motion for Leave to Intervene and Nevada's Petition of Intervention filed therewith; that said Response in its entirety was and is in words and figures verbatim with the words and figures of said Paragraphs 1, 2, 3, 4 and 5; that said Response was submitted to and before this Court on and before June 1, 1954; that on said June 1, 1954, this Court entered its Order permitting the State of Nevada to intervene in said Cause upon the grounds and basis theretofore set forth in its said Petition to Intervene; that the said Paragraphs Nos. 1, 2, 3, 4 and 5 of Complainant's Answer have been overruled and therefore the said allegations do not now constitute a valid pleading of an affirmative defense.

ANSWER TO SECOND AFFIRMATIVE DEFENSE

III

Answering Paragraph 1 of Complainant's Second Affirmative Defense, the State of Nevada admits all and singular the allegations therein contained.

IV

Answering Paragraph 2 of Complainant's Second Affirmative Defense, the State of Nevada denies all and singular the allegations therein contained.

TRAVERSE

I

Answering Paragraph 3 of Complainant's Traverse, the State of

Nevada alleges that this Court in its Order of June 1, 1954, permitting Nevada to intervene in this Cause thereby ruled that Nevada was and is an indispensable party herein.

II

Answering Paragraph 4 of Complainant's Traverse, the State of Nevada alleges that it is entitled to the share of water set forth in its contracts with the United States of June 30, 1942, as amended by its contract of January 3, 1944, but in this connection it further alleges that there is nothing in said contracts limiting the right of the State of Nevada to contract for the delivery of additional water over and above the 300,000 acre-feet, and neither is said State by reason of said contracts prohibited from asserting claims to the right to use of the waters of the Colorado River System over and above 300,000 acre-feet of water.

III

Answering Paragraph 8 of Complainant's Traverse, the State of Nevada denies that the effect of Articles III(a) and III(b) of the Colorado River Compact are as set forth in Arizona's pleadings.

IV

Answering Paragraph 10 of Complainant's Traverse, the State of Nevada denies that the interpretation and construction of the documents referred to in Nevada's Petition are as set forth in Arizona's pleadings.

V

Answering Paragraph 11 of Complainant's Traverse, the State of Nevada denies that the construction and interpretation of the documents referred to in Nevada's Petition are as set forth in Arizona's pleadings.

The State of Nevada admits that no formal Compact was ever entered into among the States of Arizona, California and Nevada pursuant to the provisions of Section 4(a) of the Boulder Canyon Project Act, but denies that the State of Nevada accepted and approved the apportionment suggested therein by entering into its contract with the United States.

VI

Answering Paragraph 12 of Complainant's Tarverse, the State of Nevada denies that its rights to the beneficial consumptive use of the waters of the Colorado River System are as set forth in and limited by its contract with the United States.

VII

Referring to Paragraphs Nos. 13, 14, 15, 16, 18, 19, 20, 21, 22, 23 and 24 of Complainant's Traverse, the State of Nevada states that the matters and things therein alleged are drawn in issue by its Petition in Intervention and by reason thereof said paragraphs require no reply herein.

WHEREFORE, the State of Nevada reiterates its Prayer set forth in its Petition of Intervention heretofore filed in this Cause.

W. T. MATHEWS,
Attorney General of Nevada.

ALAN BIBLE,
Special Assistant Attorney General of Nevada.

WILLIAM J. KANE,
Special Assistant Attorney General of Nevada.

GEO. P. ANNAND,
Deputy Attorney General of Nevada.

WILLIAM N. DUNSEATH,
Deputy Attorney General of Nevada.

JOHN W. BARRETT,
Deputy Attorney General of Nevada,
Counsel for State of Nevada.